



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

In Re:)	
)	
Richard Louis Retherford,)	Case No. 09-01996-M
)	Chapter 7
)	
Debtor.)	
)	
Ervin D. "Bud" Raus, Barbara A. Summa,)	
Ricky J. Raus, f/k/a/ Ricky J. Cartwright,)	
and Atlas Telephone Company, Inc.,)	
)	
Plaintiffs,)	
)	
vs.)	Adversary No. 09-01059-M
)	
Richard Louis Retherford,)	
)	
Defendant.)	

AGREED JUDGMENT

NOW, on the date shown below, this matter came on before me, the undersigned Judge of the United States Bankruptcy Court, for entry of this Agreed Judgment because Ervin D. "Bud" Raus, Barbara A. Summa, Ricky J. Cartwright, and Atlas Telephone Company, Inc. ("*Atlas*") (collectively "*Plaintiffs*") and Defendant, Richard Louis Retherford, ("*Defendant*") have agreed to a settlement of this adversary proceeding resolving all disputes and claims between the parties. The Court being advised in the premises finds all parties have approved this order for entry and therefore enters Judgment herein as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334.
2. This is a core proceeding for exception to discharge under § 523(a)(2)(A), (4) and (a)(6).

3. On November 3, 2008, an *in personam* money judgment was entered in favor of the Plaintiffs against Retherford in the sum of \$3,500,000.00 (the “*State Court Judgment*”) in a civil action filed in the District Court in and for Craig County, Oklahoma in Case No. CJ-06-103.

4. On April 13, 2010 [Doc. 231], this Court entered an order approving the settlement of this adversary proceeding in the Chapter 11 bankruptcy case filed in this Court by Atlas Telephone Company, Inc., Case no. 09-11994-M.

5. The Defendant was granted a Discharge in the Chapter 7 case above on August 10, 2009 (the “*Discharge*”).

IT IS ORDERED, ADJUDGED AND DECREED the State Court Judgment is not subject to the Discharge and shall be fully enforceable in all respects but only in the amount of \$1,000,000.00 plus interests and costs accruing from and after the date of the entry of this Agreed Judgment.

IT IS FURTHER ORDERED that if the sum of \$100,000.00 USD is paid to Atlas by or on behalf of the Defendant within 120 days from and after the date of the entry of this Agreed Judgment, then 100% of the State Court Judgment shall be subject to the Discharge.

IT IS FURTHER ORDERED the in accordance with the agreement by and among the Plaintiffs, all of the right title and interest of Ervin D. “Bud” Raus, Barbara A. Summa, Ricky J. Cartwright in and to this Agreed Judgment and the State Court Judgment shall be and hereby are assigned to and fully vested solely in Atlas Telephone Company, Inc.

Dated this 21st day of April, 2010.

BY THE COURT:



TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND CONTENT:

/s/Mark A. Craige
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Attorneys for the Defendant

Agreed to and approved by:

The Plaintiffs:

/s/Ervin D. Raus
Ervin D. "Bud" Raus,

/s/Barbara A. Summa
Barbara A. Summa,

/s/Ricky J. Cartwright
Ricky J. Cartwright

Atlas Telephone Company, Inc.

By: /s/Barbara A. Summa
Barbara A. Summa, its President

The Defendant:

/s/Richard Louis Retherford
Richard Louis Retherford

APPROVED AS TO FORM AND CONTENT:

/s/Mark A. Craige

Mark A. Craige, OBA No. 1992

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Attorneys for the Defendant

Agreed to and approved by:

The Plaintiffs:

Ervin D. "Bud" Raus,

Barbara A. Summa,

Ricky J. Cartwright

Atlas Telephone Company, Inc.

By: _____
Barbara A. Summa, its President

The Defendant:

Richard L. Retherford
Richard Louis Retherford